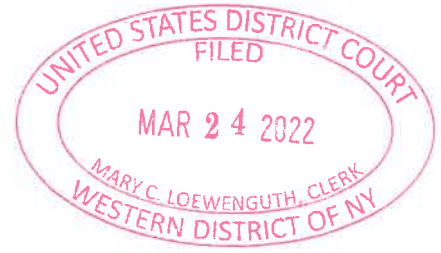


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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KARRA M. BARRETT,

Plaintiff,

v.

18-CV-1425 (JLS) (HKS)

NEW YORK STATE, OFFICE FOR  
PEOPLE WITH DEVELOPMENTAL  
DISABILITIES,

Defendant.

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**DECISION AND ORDER**

On December 6, 2018, Plaintiff Karra M. Barrett, proceeding *pro se*, commenced this action against Defendant New York State, Office for People with Developmental Disabilities (“NYSOPWDD”), asserting claims under the Americans with Disabilities Act and the New York State Human Rights Law. *See* Dkt. 1. On October 23, 2019, Defendant moved to dismiss Barrett’s complaint for lack of subject matter jurisdiction. Dkt. 5. On December 30, 2019, Barrett moved to amend her complaint. Dkt. 9. On January 27, 2020, this Court referred this case to United States Magistrate Judge H. Kenneth Schroeder for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Dkt. 16.

On February 1, 2022, Judge Schroeder issued a Report and Recommendation (“R&R”) recommending that Defendant’s motion to dismiss be granted, without prejudice, and that Barrett’s motion to amend her complaint be granted in part.

Dkt. 17, at 1, 17. The parties did not object to the R&R, and the time to do so has expired. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

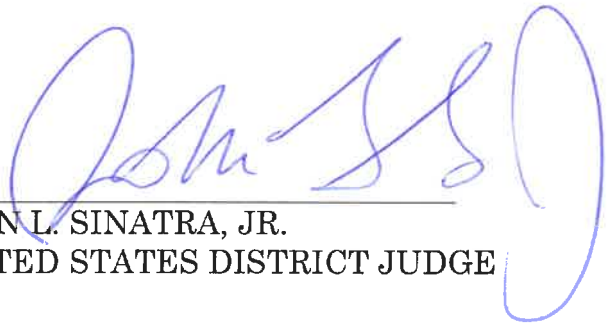
A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

This Court has reviewed Judge Schroeder's R&R as well as the relevant record. Based on that review and the absence of any objections, the Court accepts Judge Schroeder's recommendation to grant Defendant's motion to dismiss and to grant the motion to amend in part. After discovery, and assuming any remaining Defendant makes a motion, the Court will evaluate Barrett's claims and evidence under the summary judgment standard.

For the reasons stated above and in the R&R, Defendant's motion to dismiss (Dkt. 5) is GRANTED. Barrett's motion to amend her complaint (Dkt. 9), is GRANTED in part, as specifically set forth in the R&R. The case is referred back to Judge Schroeder for further proceedings consistent with the referral order of January 27, 2020. Dkt. 16.

SO ORDERED.

Dated: March 24, 2022  
Buffalo, New York



JOHN L. SINATRA, JR.  
UNITED STATES DISTRICT JUDGE